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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

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14 UNITED STATES OF AMERICA,) CR No. 3-07-70396-JL
15 Plaintiff,) [PROPOSED] ORDER AND STIPULATION
16 v.) EXCLUDING TIME FROM July 9, 2007 TO
17 JEFFREY BENJAMIN HARRISON,) JULY 26, 2007 FROM THE SPEEDY TRIAL
18 Defendant.) ACT CALCULATION (18 U.S.C.
19) § 3161(h)(8)(A) & (B)(iv))

20 _____ On July 5, 2007, based on a criminal complaint presented by Immigration and Customs
21 Enforcement Special Agent Michael Appio, the Honorable James Larson issued an arrest warrant
22 for the Defendant. On July 9, 2007, the Court held an Initial Appearance and set the matter for
23 further proceedings on July 23, 2007. Additionally on July 9, 2007, the parties stipulated, and
24 the Court that time should be excluded from the Speedy Trial Act calculations from July 9, 2007
25 to July 23, 2007.

26 Counsel for the Government is continuing to produce discovery to the Defendant and the
27 parties continue to discuss pre-indictment resolution. Moreover, counsel for the Government
28 will be out of the office teaching at the Department of Justice National Advocacy Center from

1 July 18, 2007 through July 20, 2007, and at a Department meeting in Washington D.C. from July
2 23 through July 25, 2007. The parties represent that granting the continuance is necessary for
3 effective preparation of counsel and continuity of counsel, taking into account the exercise of due
4 diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

5 Accordingly, the parties have agreed as follows:

- 6 1. The proceedings scheduled for July 23, 2007 should be removed from calendar and be
7 continued until July 26, 2007.
- 8 2. The Defendant agrees to an exclusion of time under the Speedy Trial Act. Failure to
9 grant the requested continuance would unreasonably deny both Government and Defense
10 counsel reasonable time necessary for effective preparation, taking into account the
11 exercise of due diligence, the need for both sides to investigate the facts of the case, the
12 on-going attempts to reach a pre-indictment disposition, and the need for continuity of
13 counsel. Id. § 3161(h)(8)(A) & (B)(iv).
- 14 3. Given these circumstances, the parties agree and the Court should find that the ends of
15 justice are served by excluding the period from July 9, 2007 to July 26, 2007 from the
16 Speedy Trial Act calculation and outweigh the best interest of the public and the
17 Defendant in a speedy trial. Id. § 3161(h)(8)(A).

18 IT IS SO STIPULATED.

19 DATED: July 17, 2007

20 /s/ Joshua B. Eaton
21 JOSHUA B. EATON
Assistant United States Attorney

22 DATED: July 17, 2007

23 JBE for /s/ Craig H. Bessenger
24 CRAIG H. BESENGER
25 Attorney for JEFFREY HARRISON

1 **IT IS SO ORDERED.**

2 With the agreement of the parties, and with the consent of the defendant, the Court enters
3 this order (1) removing this matter from the July 23, 2007 calendar, and scheduling further
4 proceedings in this matter for July 26, 2007; and (2) documenting the exclusion of time from July
5 9, 2007 to July 26, 2007, under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

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7 DATED: 7/17/07

